IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 410 OF 2003

IN

SUMMARY SUIT NO. 3930 of 2003

Umesh L. Reshamwala .. Plaintiff

versus

M/s.DSA Engineers (Bombay) & ors. .. Defendants

...

Mr.U.L. Shah for the plaintiff.

Mr.H. Toor i/b O.P. Soni for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 28th March 2005.

P.C.:

1. This Summons for Judgement is taken out by the plaintiff in a suit filed for recovery of money for the value of the goods sold, supplied and delivered. by filing an affidavit in reply, the defendant has contended that the goods were defective. It would require trial to establish whether the goods were defective or not, the defence raised by the defendant

cannot be said to be fictitious, sham or illusory.

2. In the circumstances, the defendant is granted unconditional leave to defend the suit. Suit shall stand transferred to the list of commercial causes. The defendant to file written statement within a period of four weeks.

D.G. KARNIK, J